

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SAMUEL HOGSETT, JR.,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 10-cv-0010-WDS
vs.)	
)	CRIMINAL NO. 05-cr-30196
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

STIEHL, District Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. Also before the Court are Petitioner's first and second motions to amend his § 2255 motion (Docs.3 and 5). Petitioner's second amended § 2255 motion appears to supersede and replace his first proposed amended motion (and his original motion). Accordingly, Petitioner's second motion to amend his § 2255 motion (Doc. 5) is **GRANTED** and his first motion to amend his § 2255 motion is **DENIED** as moot.

Petitioner was found guilty, after a jury trial, of being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(e); possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1); and possession of a firearm during and in relation to a drug-trafficking crime in violation of 18 U.S.C. § 924(c). On April 20, 2007, Petitioner was sentenced to 355 months imprisonment, 5 years supervised release, a fine of \$750.00, and a special assessment of \$300. Petitioner filed a direct appeal, but his conviction was affirmed by the Seventh Circuit Court of Appeals. *United States v. Hogsett, Jr.*, No. 07-1939 (7th Cir., affirming district court April

3, 2008). Petitioner sought, but was denied a petition for a writ of certiorari from the Supreme Court of the United States. *Hogsett v. United States*, 129 S.Ct. 1308 (2009).

In his amended motion, the Petitioner raises several grounds of ineffective assistance of counsel.

The Court **ORDERS** the Government to file a response to Petitioner's amended motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: June 23, 2010.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE